

ORIGINAL

PROB. 12B
(7/93)

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 09 2007

at 2 o'clock and 45 min. P.M. ✓
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: SCHANTEL HALL

Case Number: CR 03-00494SOM-09

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway
U.S. District Judge

Date of Original Sentence: 8/17/2005

Original Offense: Count 1: CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE 50 GRAMS OR MORE OF METHAMPHETAMINE, in
violation of 21 U.S.C. §§ 846 and 841(a)(1), a Class A felony

Original Sentence: The defendant is hereby committed to the custody of the
United States Bureau of Prisons to be imprisoned for a total term of
27 months to be followed by 4 years supervised release with the
following special conditions: 1) That the defendant participate in a
mental health program at the discretion and direction of the
Probation Office; and 2) That the defendant provide the Probation
Office access to any requested financial information.

Modification: On 7/2/2007, the Court modified the conditions of supervised
release as follows: **General Condition** - That the defendant shall
refrain from any unlawful use of a controlled substance. The
defendant shall submit to one drug test within 15 days of the
commencement of supervision and at least two drug tests
thereafter but no more than eight valid drug tests per month during
the term of supervised release, unless there is a positive drug test,
in which event the maximum shall increase to up to one valid drug
test per day (mandatory condition). **Special Condition No. 3** - That
the defendant shall submit her person, residence, place of
employment, or vehicle to a search conducted by the U.S.
Probation Office at a reasonable time and in a reasonable manner,
based upon reasonable suspicion of contraband or evidence of a
violation of a condition of supervision. Failure to submit to a search
may be grounds for revocation. The defendant shall warn any
other resident that the premises may be subject to search pursuant
to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 4/13/2007

PETITIONING THE COURT

[✓] To modify the conditions of supervision as follows:

Special Condition No. 4: *That the defendant shall not possess or consume alcohol for the duration of the supervised release term.*

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. General Condition	On 9/20/2007, the offender was arrested by the Honolulu Police Department for conduct constituting Operating a Vehicle Under the Influence of an Intoxicant, in violation of Hawaii Revised Statute § 291E-0061, a misdemeanor.

U.S. Probation Officer Action:

On 9/24/2007, the offender contacted this officer and informed that she was arrested by the Honolulu Police Department (HPD) for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) on 9/20/2007. She informed that she was driving home from the Cove at Ala Moana where she had approximately 3 beers and a "few shots". The offender reported that her license was suspended for 30 days, and she was issued a temporary license until a disposition is made on the case. The offender was verbally admonished for using alcohol and driving.

On 9/24/2007, the offender reported as directed to the Probation Office. The offender was counseled on the consequences of her actions. The offender readily agreed to abstain from alcohol for the remainder of her term.

According to Police Report No. 07-378478, on 9/20/2007, at 2150 hours, an HPD officer initiated a traffic stop on the H-1 Freeway, west bound, just prior to the Kunia off-ramp. He had observed the offender in the far right lane of the freeway, driving "a lot slower" than the flow of traffic. As the offender's vehicle passed him, the officer watched her vehicle "swerving" back and forth within the far right lane. When the officer approached the offender, the officer observed that she emitted a strong odor of alcohol and had red, watery eyes. In addition, the officer observed vomit on the offender's pants and the inside of her vehicle. The offender failed a field sobriety test. She consented to a preliminary alcohol screen and her blood alcohol content was .152. An Intoxilyzer test was administered, and the offender's blood alcohol content was 0.126. The offender was arrested for OVUII.

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At this time, the offender is pending appearance in District Court the First Circuit. Should the offender be convicted of the OVUII charge, the Probation Office is not inclined to initiate revocation proceedings because of her otherwise good adjustment and willingness to comply with the proposed modification.

To the offender's credit, since her release, the offender has been working full-time for Robert's Hawaii as a reservationist. She has been living in a stable home environment with her young daughter and cousin's family. This residence is in close proximity to her young sons, who live with their father.

Based on the offender's willingness to abstain from alcohol for the remainder of her term, we are recommending that the Court modify the supervised release conditions and impose the aforementioned special conditions. Attached is the signed Waivers of Hearing to Modify Conditions of Supervised Release. The offender waives her right to a hearing and to assistance of counsel. The offender agrees to the modifications of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modifications and have no objections to the modifications.

Respectfully submitted by,



LISA K.T. JICHA
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.
Supervising U.S. Probation Officer

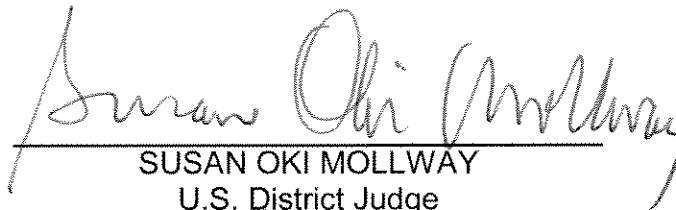
Date: 11/5/2007

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THE COURT ORDERS:

- ☒ The Modifications of Conditions as Noted Above
☐ Other



SUSAN OKI MOLLWAY
U.S. District Judge

11/08/07

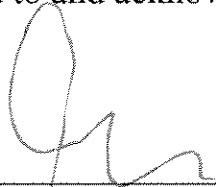
Date

NOTICE REGARDING MODIFICATION OF CONDITIONS

The defendant understands that any modification of court-ordered conditions is not a waiver of those conditions or of any consequence of violating those conditions. Violations that have preceded this or any modification of conditions may be considered by the court as a basis for revoking supervised release or probation, especially, but not only, in the event of a future violation, whether any such future violation is similar to or different from any preceding violation.

The absence of this notice does not confer, and should not be interpreted by the defendant as conferring, any rights on the defendant. The absence of this notice does not indicate, and should not be interpreted by the defendant as indicating, any position by the court or by the defendant. Even in the absence of this notice, supervised release or probation may, in the future, be revoked based on violations occurring before this or any other modification of conditions.

Agreed to and acknowledged:



Defendant

Print Name: _____

Seanter Hall

Date: _____

11/1/07

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

Special Condition No. 4: *That the defendant shall not possess or consume alcohol for the duration of the supervised release term.*

Witness:



LISA K.T. JICHA
U.S. Probation Officer

Signed:



SCHANTEL HALL
Supervised Releasee

9/24/07
Date